

# Order

Michigan Supreme Court  
Lansing, Michigan

December 18, 2008

Clifford W. Taylor,  
Chief Justice

137653

Michael F. Cavanagh  
Elizabeth A. Weaver  
Marilyn Kelly  
Maura D. Corrigan  
Robert P. Young, Jr.  
Stephen J. Markman,  
Justices

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In re JADEN TAYLOR LEE, Minor.

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DEPARTMENT OF HUMAN SERVICES,  
Petitioner-Appellee,

v

SC: 137653  
COA: 283038  
Mackinac CC Family Div:  
00-005132-NA

CHERYL LYNN LEE,  
Respondent-Appellant,  
and

SAULT STE. MARIE TRIBE OF CHIPPEWA  
INDIANS,  
Intervening Respondent-Appellee.

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On order of the Court, the application for leave to appeal the October 16, 2008 judgment of the Court of Appeals is considered, and it is GRANTED. The parties shall include among the issues to be briefed (1) whether the term “active efforts” in 25 USC 1912(d) requires a showing that there have been *recent* rehabilitative efforts designed to prevent the breakup of *that particular* Indian family; and (2) whether the “beyond a reasonable doubt” standard of 25 USC 1912(f) requires *contemporaneous* evidence that the continued custody of the Indian child by the parent or Indian custodian is likely to result in serious emotional or physical damage to the child before parental rights may be terminated.

The Clerk of the Court is directed to place this case on the March 2009 session calendar for argument and submission. Appellant’s brief and appendix must be filed no later than January 27, 2009, and appellees’ brief and appendices, if appellees choose to submit appendices, must be filed no later than February 20, 2009.

The Attorney General and the American Indian Law, Children’s Law, and Family Law Sections of the State Bar of Michigan are invited to file briefs amicus curiae by

February 24, 2009. Other persons or groups interested in the determination of the issues presented in this case may move the Court for permission to file briefs amicus curiae by February 24, 2009.



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I, Corbin R. Davis, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court.

December 18, 2008

A handwritten signature in cursive script that reads "Corbin R. Davis".

Clerk